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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,315	08/05/2003	Gordon L. Hixson SR.	07003-0100	7893

3490 7590 05/02/2005

DOUGLAS T. JOHNSON
MILLER & MARTIN
1000 VOLUNTEER BUILDING
832 GEORGIA AVENUE
CHATTANOOGA, TN 37402-2289

EXAMINER

HO, ALLEN C

ART UNIT	PAPER NUMBER
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2882

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1, 2, 3

Office Action Summary	Application No.		Applicant(s)	
	10/634,315		HIXSON, GORDON L.	
	Examiner		Art Unit	
	Allen C. Ho		2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - (1) Paragraph [00013], line 2, "5,51,180" should be replaced by --5,851,180--.
 - (2) Paragraph [00028], line 4, "34" should be replaced by --36--.
 - (3) Paragraph [00032], line 2, "contact" should be replaced by --compression--.
 - (4) Paragraph [00032], line 7, "22" should be replaced by --21--.
 - (5) Paragraph [00036], line 3, "34" between "breast" and "at" should be replaced by --36--.
 - (6) Paragraph [00036], line 3, "34" between "end" and "of" should be replaced by --38--.
 - (7) Paragraph [00036], line 3, "34" between "breast" and "without" should be replaced by --36--.

Appropriate correction is required.

Claim Objections

2. Claims 1-22 are objected to because of the following informalities:

Claims 1, 2, 4, 7, 10, 11, 17, 19, and 20 recite an angle between two surfaces. However, this recitation is indefinite because there are two ways to measure an angle between two surfaces. Depending on how the angle is defined, the compression surfaces could either define an upwardly curved compression paddle or a downwardly curved compression paddle relative to the

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image detector or the breast support plate. The applicant must clearly specify how the angle is defined.

Claims 18 and 20 recite a concave surface. This recitation is indefinite because the surface could have an upward concave surface or a downward concave surface relative to the image detector or the breast support plate.

Appropriate correction is required.

Allowable Subject Matter

3. The following is a statement of reasons for the indication of allowable subject matter:

Although the prior art discloses mammographic compression devices comprising an angled or inclined compression surface, it fails to teach or fairly suggest mammographic compression devices as claimed.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- (1) Virta *et al.* (U. S. Patent No. 6,647,089 B1) disclosed an apparatus for tissue imaging.
- (2) Lindström *et al.* (U. S. Patent No. 6,577,703 B2) disclosed an x-ray mammography apparatus comprising an angled compression paddle.
- (3) Crosby *et al.* (U. S. Patent No. 5,851,180) disclosed a compression assembly for enhanced tissue imaging.

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- (4) Adamkowski *et al.* (U. S. Patent No. 5,706,327) disclosed an apparatus for mammographic compression.
- (5) Pellegrino *et al.* (U. S. Patent No. 5,594,769) disclosed an apparatus for obtaining stereotactic mammographic guided needle breast biopsies.
- (6) Niklason *et al.* (U. S. Patent No. 5,506,877) disclosed a mammography compression device.
- (7) Shmulewitz (U. S. Patent No. 5,474,072) disclosed an apparatus for performing sonomammography.
- (8) Saffer (U. S. Patent No. 5,029,193) disclosed an x-ray mammography installation.
- (9) Evans *et al.* (U. S. Patent No. 3,971,950) disclosed a compression and positioning device for use in mammography.

5. This application is in condition for allowance except for the formal matters indicated in this office action.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (571) 272-2491. The examiner can normally be reached on Monday - Friday from 8:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached at (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen C. Ho
Primary Examiner
Art Unit 2882

01 April 2005